

REMARKS

~~Claims 1-12 are currently pending in the application.~~ Claim 1 has been amended to correct an informality by deleting the word “a” at the beginning of line 3 of the claim. In addition, Claims 1, 3, 5, and 7 have been amended by inserting the words “current price and other” before “information” at: Claim 1, line 4; Claim 3, line 4, Claim 5, line 4; and Claim 7, lines 4-5. Support for such amendments may be found in the Specification at page 2, lines 15-22, at page 6, Table 1, and at Figure 3. Finally, Claims 1, 3, 5, and 7 have also been amended by changing “the time” to “time after selection, including but not limited to times prior to purchase” at: Claim 1, line 5; Claim 3, line 5; Claim 5, line 5; and Claim 7, line 7. Support for such amendments may be found in the Specification at page 2, lines 15-22, at page 6, Table 1, and at Figure 3. New claims 9-12 have been added and require that the other information includes customized specifications regarding each purchase candidate commodity. Support for this is found on page 5, line 24. No new matter has been added.

The Claimed Invention

The claimed invention provides systems, a method, and a computer program for commodity selling, which have support functions for allowing a user to select a commodity for purchase and which are capable of reducing burden on a user when the user selects a commodity for purchase from among commodities appearing on a web page. In recent years, online purchasing has come into use, in which a user of a network such as the Internet can access a web and purchase commodities online. In commodity selling systems and methods recently in use, basic specifications of a commodity available for purchase can be customized or some options can be added thereto. In using such systems, method, and computer program, however, a user must view a plurality of commodities to determine which commodity to purchase based on price and other factors. Users seldom make purchases immediately after such customization but instead often wait until after they have looked at other available products in order to pick out several candidate commodities for purchase or at some future time.

In such cases, when a user returns to a web page for a repeat view of information on purchase candidate commodities, the user must customize the basic

specifications of the commodity or add options again. Even if the user preserves information on customized candidate commodities by means such as, by way of example and not limitation, printing the relevant web pages, the user must nevertheless return to the web site to check whether price or available options have changed.

It is, therefore, an object of the claimed invention to provide a commodity selling system and method capable of reducing such burdens on users who wish to select items for potential future purchase while deferring the actual purchase until later. To this end, the commodity selling system of the claimed invention stores the information on each purchase candidate commodity selected from among commodities appearing on a web page. A user can select a commodity for purchase at some future date on the basis of such stored information, without any need for the user to run again through the purchase candidate commodity customization process on the seller's web page to recreate the web page displaying the customized selection.

With reference to Figure 2, seller server 10 comprises information display control unit 12 and information storing unit 13. Information display control unit 12 and information storing unit 13 are connected to each other through an internal bus. Information display control unit 12 displays information on user terminal 30 in response to a request from user terminal 30. Information storing unit 13 stores information on each purchase candidate commodity at the time when each purchase candidate commodity is selected from commodities on web page 15. Information display control unit 12 and information storing unit 13 in seller server 10 may be implemented by dedicated hardware, or may be formed of a memory and a CPU (Central Processing Unit) such that the functions thereof may be realized by loading a program for realizing the functions of the aforementioned respective units into the memory and executing the program. In the commodity selling system of the embodiment, a user can always make a final determination as to which commodity to purchase on the basis of new information by including the latest information on the purchase candidate commodities on the purchase candidate commodity list. In addition, seller server 10 can display the purchase candidate commodity list on user terminal 30 at any time when the user requests such display.

With reference to Figure 3, at step 101, a user first accesses seller server 10 through user terminal 30. At step 102, seller server 10 then displays a web page 15

for online shopping on user terminal 30. At step 103, the user views detailed information on commodities appearing on the displayed web page 15, and selects a purchase candidate commodity from the commodities at step 104. The selected purchase candidate commodity is transmitted to seller server 10 which stores the information on the commodity at step 105. The operations from step 103 to step 106 are repeated until the selection of purchase candidate commodities is completed. Then, even if the user disconnects the access to seller server 10 at step 107, the information on the purchase candidate commodities remains stored in seller server 10. Thereafter, when the user again accesses seller server 10 from user terminal 30 at step 109, seller server 10 displays the web page 15 on user terminal 30 at step 110. In response to a request for display of a purchase candidate commodity list transmitted from user terminal 30 at step 111, seller server 10 forms a purchase candidate commodity list of the stored information and the latest information on the purchase candidate commodities at step 112, and displays the purchase candidate commodity list having the latest information added thereto on user terminal 30 at step 113.

Rejection of Claims 1-8

Claims 1-8 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application No. 2002/0029171 to Senior. Applicants respectfully submit that the claimed invention is not described in Senior's disclosure of an electronic quantity purchasing system. Among other things, the disclosure of Senior is directed to enabling a user to prepurchase large quantities of a commodity such as gasoline, while the claimed invention provides the opposing capability of enabling a user to defer purchase of a commodity until a later time. Thus, where Senior teaches "the user is able to circumvent the market price in effect at the time of redemption" by prepurchasing (Senior, Abstract), the claimed invention provides that "prices of commodities . . . may be changed" prior to purchase and that "a user must check whether the conditions of each commodity selected as a candidate for purchase remain the same." (Specification, page 2, lines 16-18 and 21-22) Independent Claims 1, 3, 5, and 7 are currently amended so that this feature is more explicitly reflected in the claims. Because addition of the price updating feature of the claimed invention would render the invention disclosed by Senior "inoperable for its intended purpose" (*In re Gordon*, 221.U.S.P.Q. 1125, 1127 (Fed. Cir. 1984)), Senior would not provide an appropriate basis for rejection on grounds of obviousness, just as it does

not provide an appropriate basis for rejection on grounds of anticipation. Applicants respectfully traverse the rejection of Claims 1-8 under 35 U.S.C. § 102(e).

Figures 1, 8, and 11 of the disclosure of Senior are relied on in the Office Action to support rejection of Claims 1-8, but those figures lack important features of the claimed invention. Figure 1 of the disclosure of Senior, for example, shows access over the Internet across a Firewall to a Web Server and Data Base (and a Mirrored Web Server and Mirrored Data Base):

Patent Application Publication Mar. 7, 2002 Sheet 1 of 11 US 2002/0029171 A1

Online Commodity Reserve System Architecture

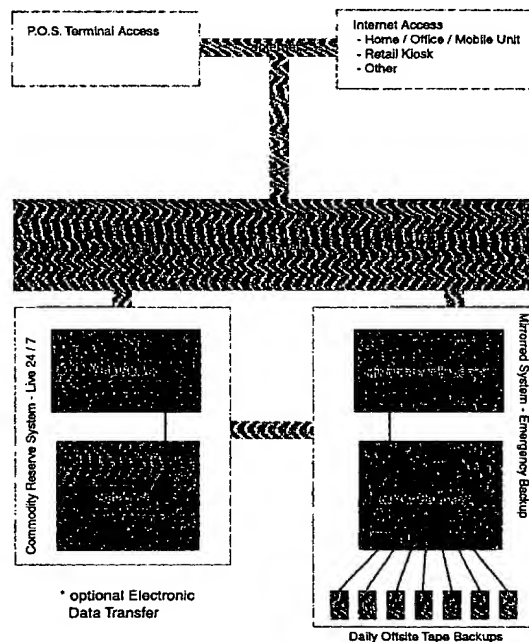


FIG.1

(Senior, Figure 1, cited in the Office Action at 2) Figure 1 of Senior does not, however, show

a seller server for storing current price and other information on each purchase candidate commodity at any time after selection, including but not limited to times prior to purchase, when said each purchase candidate commodity is selected from said commodities appearing on said Web page, and for displaying said information on said user terminal in response to a request from said user terminal.

(Claim 1, lines 4-78 *see also* Claim 3, lines 4-9; Claim 5, lines 4-9; and Claim 7, lines 4-10) Thus, Figure 1 of Senior does not describe the claimed invention.

In addition, Figure 8 of the disclosure of Senior shows a web page for “Esso Litre Bank,” where “My Balance” for diesel fuel is currently zero, while there is a positive balance for what appear to be various grades of gasoline. “Esso Diesel” is available on this web page for immediate purchase, as “Columbian Dark Bean” and “Readymix Cement”:

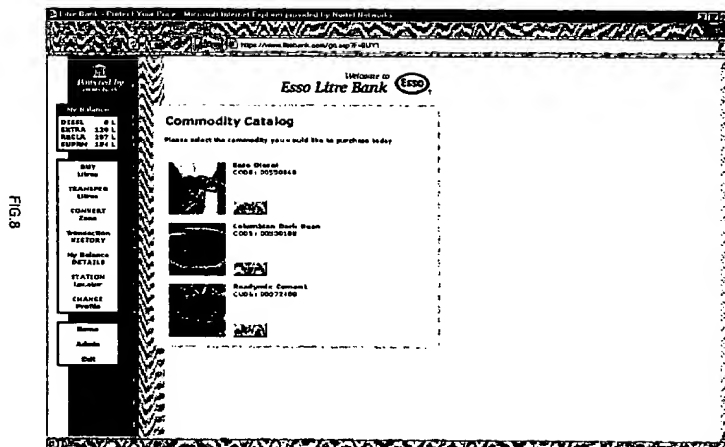


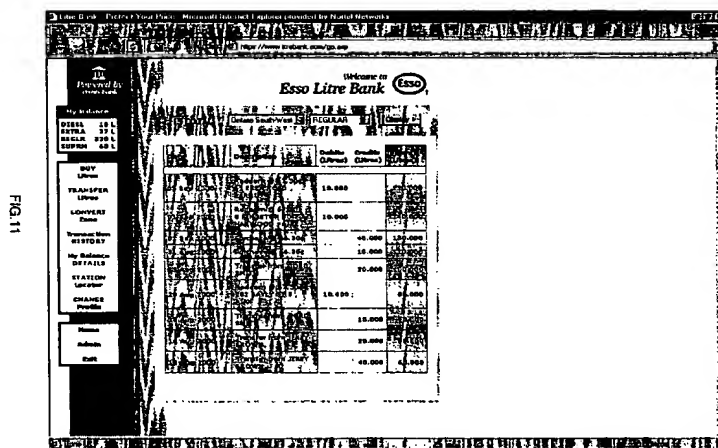
FIG. 8

(Senior, Figure 8, cited in the Office Action at 3) As discussed above, the *pay now, pick up later* approach employed by the invention disclosed by Senior is inconsistent with the approach employed by the claimed invention, which claims:

a seller server for storing current price and other information on each purchase candidate commodity at any time after selection, including but not limited to times prior to purchase, when said each purchase candidate commodity is selected from said commodities appearing on said Web page, and for displaying said information on said user terminal in response to a request from said user terminal.

(Claim 1, lines 4-78 *see also* Claim 3, lines 4-9; Claim 5, lines 4-9; and Claim 7, lines 4-10) Thus, Figure 8 of Senior does not describe the claimed invention.

Finally, Figure 11 of the disclosure of Senior shows another web page for “Esso Litre Bank,” this time showing “My Balance” to be positive for diesel as well for as other types of fuels. Figure 11 also shows historical purchases of fuel, price, quantity, and the balance yet to be delivered to the purchases:



(Senior, Figure 11, cited in the Office Action at 3) Figure 11 of Senior, therefore, does not show any quantity of fuel to have been selected but not yet purchased. That deficiency distinguishes the invention disclosed by Senior from the claimed invention, which provides:

a seller server for storing current price and other information on each purchase candidate commodity at any time after selection, including but not limited to times prior to purchase, when said each purchase candidate commodity is selected from said commodities appearing on said Web page, and for displaying said information on said user terminal in response to a request from said user terminal.

(Claim 1, lines 4-78 *see also* Claim 3, lines 4-9; Claim 5, lines 4-9; and Claim 7, lines 4-10) Thus, Figure 11 of Senior does not describe the claimed invention because it does not provide for showing purchases that have been contemplated but not yet made.

The portions of the claims of Senior which have been cited in support of rejection are similarly inconsistent with Claims 1-8 of the claimed invention. The Examiner has cited the following portions of Senior's claims, which provide for online purchases of product and for storing information relating to such purchases:

A method for selling product on-line, where computer terminals of potential purchasers are used to access a computer site comprising a selling computer, said method comprising:

- (A) displaying general information about each product offered for sale to identify same;
- (B) displaying the current price and quantities at which the product is being offered for sale;

* * *

- (F) storing information about the purchase in purchaser's account, including quantity of product purchased, for later dissemination to purchaser and/or entity delivering product to purchaser . . .

(Senior, Claim 1, Paragraphs A-B and F, cited in the Office Action at 2, 3) Thus, the portions of the claims of Senior cited in support of rejection do not address potential purchases which are under consideration but have not yet been made, which is a principal focus of the claimed invention:

A commodity selling system for allowing a user to purchase commodities through a network, said system comprising:

user terminals each used by a user for connection to the network; and
a seller server for storing current price and other information on each purchase candidate commodity at any time after selection, including but not limited to times prior to purchase, when said each purchase candidate commodity is selected from said commodities appearing on said Web page, and for displaying said information on said user terminal in response to a request from said user terminal.

(Claim 1, lines 1-8; *see also* Claim 3, lines 1-9; Claim 5, lines 1-9; and Claim 7, lines 1-10) Thus, the disclosure of Senior, Claim 1, Paragraphs A-B and F, does not describe the claimed invention because it does not provide for showing purchases that are contemplated but have not yet been made.

Applicants respectfully submit that Claims 1-8 of the claimed invention are not anticipated by Senior.

Conclusion

In view of the foregoing, it is respectfully requested that the application be reconsidered, that Claims 1-12 be allowed, and that the application be passed to issue. Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of

fees for the petition or for entry of this amendment to Attorney's Deposit Account
No. 50-2041 (Whitham, Curtis & Christofferson P.C.).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Whitham', is written over the typed name.

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